

## EIGHTH DIVISION

[ CA-G.R. SP No. 128331, March 28, 2014 ]

**ROGER T. SANCHEZ, PETITIONER, VS. OFFICE OF THE  
OMBUDSMAN AND MARTHALINA B. PERALTA, RESPONDENTS.**

### D E C I S I O N

**LOPEZ, J.:**

Private respondent Marthalina B. Peralta (Peralta), Administrative Officer IV and designated Acting Sheriff of the National Labor Relations Commission, was found guilty of Gross Misconduct and Neglect of Duty by the Office of the Ombudsman, to wit:

**WHEREFORE**, respondent Sheriff **MARTHALINA B. PERALTA** is found **GUILTY** of Gross Misconduct and Neglect of Duty. The penalty of **DISMISSAL** from service is hereby imposed pursuant to Section 23(c) of Rule XIV, Book V of the Omnibus Rules Implementing Book V of the Administrative Code of 1987 (Executive Order No. 292) and other pertinent Civil Service laws.

Pursuant to Section 7, Administrative Order No. 17 of the Office of the Ombudsman and Ombudsman Memorandum Circular No. 01, Series of 2006, The Chairman, National Labor Relations Commission (N[L]RC), is hereby directed to implement this Decision and to submit promptly a Compliance within (5) days from receipt indicating the OMB Case Number, to this Office, thru the Central Records Division, 2<sup>nd</sup> Floor, Ombudsman Building, Agham Road, Government Center, North Triangle, Diliman, 1128 Quezon City.

Compliance is respectfully enjoined consistent with Section 15(3) of RA 6770 (Ombudsman Act of 1989).

**SO ORDERED.**<sup>[1]</sup>

On Peralta's motion for reconsideration, the Office of the Ombudsman modified the penalty, thus:

**WHEREFORE**, the Decision of this Office dated September 12, 2011 is hereby **MODIFIED**. The penalty of Dismissal from the service upon respondent Peralta is hereby reduced to **ONE (1) YEAR SUSPENSION**.

<sup>[2]</sup>

In this petition for *certiorari*,<sup>[3]</sup> petitioner contends that the Office of the Ombudsman gravely erred in modifying the penalty imposed against Peralta. Petitioner argues that the penalty of dismissal is correct because there is substantial